

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

ERIC D. KATZ,

Civil Action No. 07-cv-5847 (PGS)

Plaintiff,

**ORDER**

v.

HORIZON BLUE CROSS BLUE SHIELD  
OF NEW JERSEY

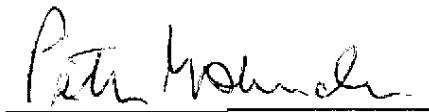
Defendant.

This matter comes before the Court on Defendant Horizon Blue Cross Blue Shield's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) due to preemption by ERISA. The Court has considered the submissions, and for the reasons set forth in the record, and for good cause having been shown,

IT IS on this 13<sup>th</sup> day of June, 2008,

ORDERED that Defendant's motion to dismiss is granted; it is further

ORDERED that Plaintiff is hereby granted leave to amend his complaint within 20 days of this order.



PETER G. SHERIDAN, U.S.D.J.

June 13, 2008